IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Revision Application No. 1641 of 2002

M.S.E.B.[Urban]. ..Petitioner.

Versus.

Memco Industries. ..Respondent.

Sachin Dhakephalkar for P.K. Dhakephalkar for the petitioner.
S.S. Swadi i/b S.G. Deshmukh Advocate for the respondent.

CORAM:A.M.KHANWILKAR,J.
DATED:18.03.2006

P.C.:-

. The learned counsel for the respondent, who is the plaintiff before the lower court, states that as per his instructions subject-matter in the suit has been amicably resolved between the parties and the suit is also disposed of.

. The learned counsel for the petitioner, however, seeks time to take instructions in this behalf. There is no reason to doubt the correctness of the statement made by the learned counsel for the respondent across the Bar . In other words, if the suit is disposed of, nothing survives for consideration in the present revision, because revision arises against an inter-locutory

order passed by the court below answering issue of jurisdiction against the petitioner. If the suit itself is disposed of and settled issue raised in this revision will become irrelevant and not passed.

. In the circumstances, this revision will have to be disposed of having become infructuous. Counsel for the petitioner, however, submits that he will take instructions. It is unnecessary to adjourn the matter on this ground, instead, I am disposing of this revision application with liberty to the petitioner to revive the revision application if according to the petitioner, statement made by the counsel for the respondent is noticed to be incorrect.

[A.M.KHANWILKAR. J]